GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Labour Employment Training & Factories Department –Insurance Medical Services – Gazetted Establishment –Dr.P.Usha Rani, Civil Assistant Surgeon, ESI Dispensary, Tadepalligudem – Prosecuting P.G.Course in M.S. (Obstetrician & Gynecology) at GSL Medical College, Rajahmundry – Sanction of pay & allowances - orders – Issued.

LABOUR EMPLOYMENT TRAINING & FACTORIES (IMS& VIG) DEPARTMENT

G.O.Rt.No.333 **Dated: 29.05.2017**

Read the following:-

1) From Director of Insurance Medical Services, Andhra Pradesh Hyderabad Lr Rc.No.115/E1/2014,Dated:09-10-2014 & 24-01-2015.
2) From Dr.P.Usha Rani, Civil Assistant Surgeon, Representation, Dated:24-07-2015.
3) Orders of the Hon'ble APAT Dated:28-04-2016 in O.A.No.1719 of 2016 filed by Dr.P.Usha Rani, CAS, Tadepalligudem, West Godavari District.
4) From Dr.P.Usha Rani, CAS, Representation Dated:20-05-2016.

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ORDER:

The Director of Insurance Medical Services, AP, Hyderabad in his letters 1st read above has stated that Dr.P.Usha Rani, CAS, ESI Dispensary, Tadepalligudem has completed Diploma in Otolaryngology in the year 2001 prior to her appointment as Civil Assistant Surgeon on 17-8-2007 and on completion of seven years service as Civil Assistant Surgeon, she was selected under in-service quota in M.S.(Obst.&.Gynec.) and prosecuting the same at GSL Medical College, Rajahmundry. As per G.O.Ms.No.260, HM&FW(E2) Dept.,Dated.10-07-1997 she is eligible for drawal of Pay & Allowance for one year only as she has completed P.G. diploma in Otolaryngology. She has requested to sanction pay and allowances for the remaining (2) years on par with Medical Officers working in A.P.Vaidya Vidhan Parishad Department, Director of Medical Education Department, and Director of Health & Family Welfare (DH). Dr P.Usha Rani, Civil Assistant Surgeon has also requested in her representation 2nd read above among others, to arrange for salary for entire tenure of 36 months for her P.G. Course.

2. While the matter is under process, Dr.P.Usha Rani, CAS has filed O.A.No.1719 of 2016 in the Hon'ble Andhra Pradesh Administrative Tribunal praying to declare the action of the Respondents in not paying salaries to the applicant during the period of prosecuting P.G course i.e, M.S.Obstetrics & Gynecology for 3 years from 1-8-2014 for the academic years 2014-2017 by treating the said period as on duty as extended to similarly situated Civil Assistant Surgeon / Deputy Civil Surgeons through G.O.Rt.No.932, LET&F(IMS)Department, dated.3-12-2014 as wholly illegal, arbitrary and violative of Articles 14 and 16 of Constitution of India and consequently declare that the applicant is entitled for treat of the period of study as on duty by paying salary for the said period with all consequential benefits.

3. In the reference 3rd read above, the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.1719/2016 filed by Dr.P.Usha Rani, Civil Assistant Surgeon,ESI Dispensary, Tadepalligudem has passed the following Orders vide its orders Dt:28-04-2016 ;

> **"the 1st respondent is directed to consider the representation of the applicant dated.24-07-2015 pertaining to her claim to treat the period during which she studied Post Graduation as on duty and pay salaries for the said period in terms of G.O.Rt.No.932, LET&F(IMS)Deptt., dated.03-12-2014 in the light of the orders passed by this tribunal in O.A.No.3292/2009 dated.23-12-2009 confirmed by the Hon'ble High Court of A.P. in**

W.P.No.5345/2010 dated.28-09-2010 and SLP(Civil) No.15097/2011 dated.02-01-2014 of the Hon'ble Supreme Court, and pass appropriate orders in accordance with the Rules in force, within a period of three months from the date of receipt of a copy of this order."

4. The deputation and pay and allowances are governed by G.O.Ms.No.260, HM&FW(E2) Department, dated.10-07-1997 dealing with Rules for Admission to Post Graduate Medical Courses in the Medical Colleges in the State as amended by G.O.Ms.No.279, HM&FW(E2) Department, Dated.9-7-2001 and G.O.Ms.No.719, HM&FW(E2) Department, dated.16-12-2003. The Government orders in respect of sanction of deputation with Pay & allowances for prosecuting the P.G.Degree in respect of Medical Officers issued in G.O.Ms.No.260, HM&FW(E2) Department, dated.10-7-1997 is as follows :

11 (xii) Deputation to in-service candidates selected under service quota shall be restricted to 3 years only i.e., (36 months). The candidates selected to prosecute Postgraduate courses under in service quota shall be sanctioned deputation for not more than one course in his service or life time. The candidate selected under service quota shall be deputed only to such branches specified by concerned Director or Registrar, University of Health Sciences.

(a) As a special measure the S.T. candidates who are eligible to be considered as in-service candidates as per rule 3(2) if selected to the P.G course either under in-service seats or non-service seats on merit are eligible for deputation for not more than one course in his service or life time.

(b) In case, if a service candidate is selected under in-service quota for Diploma Course the candidate may be given deputation if the candidate is otherwise eligible for a period of 2 years. If the candidate is selected for a degree course in the same subject the candidate may be allowed deputation for another period of 12 months. But no candidate shall be allowed deputation for studying 2nd Post Graduate diploma course under service quota.

(c) In-service candidates shall join the course on or before the commencement of the course after getting relieved from the concerned Head of the Institution. The Heads of the Medical Institutions shall relieve them if they apply for relief enclosing a copy of the Selection and allotment order issued by the Chairman, Selection Committee.

(d) Any candidate in Government service other than the Inservice candidate as defined under rule 3(2) if selected for any Postgraduate course shall not be entitled for any kind of leave including extraordinary leave without allowances for prosecuting Post Graduate courses unless the candidate has put in a minimum service specified in rule 3(2).

The amendment issued vide G.O.Ms.No.279, HM&FW(E2)Deptt., Dt.9-7-2001 is as follows :

In rule 11 in sub-rule (xii) to clause (b), the following shall be added at the end namely :

"In case, if a service candidate who acquired Post Graduate diploma in a particular specialty either before entry into Government Service or after entry into Government Service and if he or she is selected for Post Graduate degree in the same specialty, shall be allowed deputation for another period of twelve (12) months as he or she has drawn stipend for two (2) years while doing diploma in the specialty"

Further an Amendment issue vide G.O.Ms.No.719, HM&FW(E2) Deptt., Dt.16-12-2003 are as follows :

In rule 11, for the opening para of sub-rule (xii), the following shall be substituted :-

"(xii): Deputation to in-service candidates selected under service quota shall be restricted to 3 years only, i.e., (36 months). The candidate selected to prosecute post graduate courses under in-service quota shall be sanctioned deputation for one course only in his service time. The candidate selected under in service quota shall be permitted to take any course of his/her choice based on merit."

Thus, as per the above orders vide G.O.Ms.No.260, HM&FW(E2) Department Dt.10-07-1997 as amended by G.O.Ms.No.279, HM&FW(E2) Department, Dated.9-7-2001 and G.O.Ms.No.719, HM&FW(E2) Department, dated.16-12-2003. the Rule 11 (xii) reads as follows:

11 (xii): Deputation to in-service candidates selected under service quota shall be restricted to 3 years only, i.e., (36 months). The candidate selected to prosecute post graduate courses under inservice quota shall be sanctioned deputation for one course only in his service time. The candidate selected under in service quota shall be permitted to take any course of his/her choice based on merit.".

(a) As a special measure the S.T. candidates who are eligible to be considered as inservice candidates as per rule 3(2) if selected to the P.G course either under inservice seats or non-service seats on merit are eligible for deputation for not more than one course in his service of life time.

b) In case, if a service candidate is selected under inservice quota for Diploma Course the candidate may be given deputation if the candidate is otherwise eligible for a period of 2 years. If the candidate is selected for a degree course in the same subject the candidate may be allowed deputation for another period of 12 months. But no candidate shall be allowed deputation for studying 2nd Post Graduate diploma course under service quota.

"In case, if a service candidate who acquired Post Graduate diploma in a particular specialty either before entry into Government Service or after entry into Government Service and if he or she is selected fo Post Graduate degree in the same specialty, shall be allowed deputation for another period of twelve (12) months as he or she has drawn stipend for two (2) years while doing diploma in the specialty"

Thus, as seen from above Government orders, in case of a service candidate who acquired Post graduate diploma in a particular specialty either before entry into Government service or after entry into Government service and if he or she is selected for Post Graduate Degree in course of his/her choice shall allowed deputation for another period of 12 months only.

5. Further, as per the Prospsectus issued by Dr NRT University of Health Sciences, AP., Vijayawada for admission to "Post Graduate Medical Degree and Diploma Courses for the academic year 2014-15 with reference to the sanction of deputation are as follows :

10.10.2 : In case, if a service candidate is selected under in-service quota for Diploma Course the candidate may be given deputation if the candidate is otherwise eligible for a period of 2 years. If a service candidate already having a PG Diploma either before entry into Government Service or after entry into Government Service is selected for a PG Degree in any specialty, he/she hall be allowed deputation for another period of 12 months only. No candidate shall be allowed deputation for studying 2nd Post Graduate Diploma course under service quota. In case, if a service candidate who acquired Post Graduate diploma in particular specialty either before entry into Government Service or after entry into Government Service and if he or she is selected for Post Graduate degree shall be allowed deputation for

another period of twelve (12) months as he or she has drawn stipend for two (2) years while doing diploma.

Thus as per the above also, in case if a service candidate already having P.G.diploma either before entry into Government service or after entry into Government service and if he or she is selected for Post Graduate Degree in any specialty shall allowed deputation for another period of 12 months only.

6. Further, Dr.P.Usha Rani, Civil Assistant Surgeon has submitted her Declaration stating that "I Dr.Pillala Usha Rani working as Civil Assistant Surgeon in Insurance Medical Services Department since 17-08-2007 hereby declare that I studied Diploma in Otolaryngology(DLO) in 1999 i.e., prior to entering into Government Service".

7. Further, Dr.P.Usha Rani, Civil Assistant Surgeon in her Representation has stated that the Doctors who are selected for Post graduate courses under in service quota from A.P.Vaidhya Vidhana Parishad (APVVP), Director of Medical Educatation(DME) and Director Health and Family Welfare are being aid salary even if they studies a PG course prior to entering into Government service.

8. The above request of Dr.P.Usha Rani, Civil Assistant Surgeon for sanction of deputation with pay & allowances to prosecute as in-service candidate has been examined in accordance with the above said Government Orders and in consultation with Health, Medical & Family Welfare Department who are the competent authority in respect of rules/orders for sanction of deputation for P.G.Courses. The Health, Medical & Family Wefare Department have informed the rule position in respect of Dr.P.Usha Rani, CAS & another are as follows ;

> "this Department is following the rules issued in G.O.Ms.No.260 and the amendments issued subsequently vide G.O.Ms.No.279 read with 719. As seen from the said orders, in case, if a service candidate who acquired Post graduate diploma in a particular specialty either before entry into Government service or after entry into Government service and if he or she is selected for Post Graduate Degree in the same specialty, shall be allowed deputation for another period of (12) months as he or she has drawn stipend for two(2) years, while doing Diploma in the specialty. The same thing was also reiterated in the prospectus issued by Dr.NTRUHS for PG admission. When the case of both the individuals is examined vis.a.vis the existing rule position, it can be said that they are entitled for another period of 12 months only for pursuing PG degree and for the remaining period, they may be sanctioned leave as per the individual's eligibility".

9. As such as per the Government orders Dr.P.Usha Rani, Civil Assistant Surgeon is eligible for sanction of deputation with pay and allowances for a period of 12 months only as she has drawn stipend for two(2) years while doing Diploma in the specialty and the remaining period can be considered as leave for which she is eligible.

10. As per the directions of Hon'ble Tribunal in O.A.No.1719/2016 dated.28-04-2016, the Medical Officers who have been sanctioned deputation with pay & allowances for their PG courses during the academic year 2014-2017 vide G.O.Rt.No.932, LET&F(IMS) Department, Dt.03-12-2014 have also been examined with reference to the above said Government Orders and all the Medical Officers therein have submitted their Declarations stating that they have not done any PG Degree / PG Diploma course before entry into Government Service or after entry into Government Service. Whereas in the case of Dr.P.Usha Rani, Civil Assistant Surgeon she has also submitted a declaration stating that she had studied Diploma in Otorhinolaryngology (DLO) in 1999 i.e., prior to entering into Government Service. Hence the above said G.O. is not applicable to her.

11. In view of the detail examination above, it is seen that Dr.P.Usha Rani, Civil Assistant Surgeon is eligible for sanction of deputation with pay and allowances for a

period of 12 moths only, as she has drawn stipend for two(2) years while doing Diploma in the specialty and the remaining period can be considered as leave for which she is eligible.

12. Therefore, Government after careful examination of the matter, hereby permit the Director of Insurance Medical Services, Andhra Pradesh, Vijayawada to Sanction deputation for a period of (1) year w.e.f.1-08-2014 with pay and allowances and the remaining period of (2) years w.e.f 01-09-2015 as leave whichever is eligible on study purpose to Dr.P.Usha Rani, CAS for the Academic year 2014-2017 she prosecuted her P.G.Degree Course in M.S.(Obstetrics & Gyneacology) at GSL Medical College, Rajahmundry as inservice candidate as per G.O.Ms.No.260, HM&FW(E2) Department Dated:10-07-1997 read with G.O.Ms.No.279, HM&FW (E2) Department, Dated:09-07-2001 & vide G.O.Ms.No.719, HM&FW(E2) Department, Dated:16-12-2003.

13. The period of absence of the Medical Officers during study of their P.G Course shall be treated as on duty under F.R 9(6) (b).

14 . The Director of Insurance Medical Services, Andhra Pradesh, Vijayawada shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Director of Insurance Medical Services, Andhra Pradesh, Vijayawada.
The individuals through the Director of Insurance Medical Services, Andhra Pradesh, Vijayawada.
The Director of Treasuries and Accounts, Andhra Pradesh, Vijayawada..
The District Treasury Officers concerned through Director of Insurance Medical Services, Andhra Pradesh, Vijayawada.
Sf/Sc.

//Forwarded ::By order//

SECTION OFFICER